

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Chris Bryant  
The Technical Group, Inc.  
1300 I Street, NW  
Suite 1000 West  
Washington, D.C. 20005

Dear Mr. Bryant:

I am responding to your letter of January 29, 1997 in which you request clarification on the labeling requirements under 40 CFR part 273 for hazardous waste batteries. Specifically, you have requested confirmation that it is acceptable for large quantity handlers of universal waste (LQHUW) to place universal waste labels prescribed at §273.34(a) on shrink-wrapped pallets of batteries rather than on each single battery.

For the purposes of complying with the requirements of §273.34(a), "container" is defined at §260.10 as any portable device in which a material is stored, transported, treated, disposed of or otherwise handled. We believe that a shrink-wrapped unit (i.e., plastic shrink-wrapped over spent batteries and pallet) can be a portable device for the purposes of §273.34(a). Further, the Agency confirms that one of the following phrases: "Universal Waste-Battery(ies);" or "Waste Battery(ies);" or "Waste Battery(ies);" or "Used Battery(ies) should be marked clearly on each individual battery or on the outside of the shrink-wrapped plastic.

Although a shrink-wrapped unit can be a portable device for the purposes of part 273.34(a), the Agency has some concerns with respect to the effectiveness or structural integrity of the shrink-wrapped plastic to prevent the components or contents of the batteries from leaking or spilling into the environment. Under §273.33(a)(1) LQHUs must contain any battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. This container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

Therefore, the Agency has concluded that current regulations allow a LQHUW to shrink-wrap multiple individual batteries in plastic and subsequently place the appropriate universal waste label on the outside of the shrink-wrap unit, provided that

the batteries which are shrink-wrapped do not show evidence of leakage, spillage, or damage that could cause leakage under reasonable foreseeable conditions. If a LQHUW determines that some batteries show evidence of leakage or spillage after they are shrink-wrapped, then the LQHUW must place the shrink-wrapped unit in a container which complies with §273.33(a)(1) and must relabel the container pursuant to §273.34(a)).

Please note that although non-leaking shrink-wrap units meet EPA's approval for container from a universal waste labeling and management perspective, these units may not meet the packaging specifications prescribed by the Department of Transportation (DOT) for your particular battery types (i.e., nickel-cadmium). The Agency recommends that you contact the Department of Transportation to ensure that your shrink-wrapped units meet their packaging authorization regulations for hazardous materials.

If you need additional information or have my questions about any of the above information, please contact Bryan Groce of my staff on (703) 308-8750.

Sincerely,

Elizabeth A. Cotsworth, Acting Director  
Office of Solid Waste